IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 2819 of 2002

Between:

Burra Babu Rao,

S/o Appa Rao, aged about 50 years,

Occ; Business, R/o Ward No.32,

Gudivada,

Krishna district.

..... PETITIONER

AND

1. A.P.Pollution Board,

rep. by its Senior Environmental Engineer,

Task Force, Flat No.41, Opp. SBH,

Gurunanak Road, Vijayawada.

2. The Gudivada Municipality

rep. by its Municipal Commissioner, Gudivada.

3. Sagiraja Auto Service Centre,

Ward No.32, Gudivada.

4. Rajyalakshmi Auto Service Centre,

Ward No.32, Gudivada.

5. Prasad Auto Service Centre,

Ward No.32, Gudivada.

6. Prabhu Auto Service Centre

Ward No.32, Gudivada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, declaring the proceedings No.413/PCB/TF/VGA/200-593 dt. 28-11-2001 of first respondent as illegal, arbitrary and issue consequential directions to second respondent not to permit the respondents 3 to 6 to restart the servicing stations in Ward No.32, Gudivada Municipality, Krishna district.

Counsel for the Petitioner:MR.C.NAGESWARA RAO

Counsel for the Respondent No.3 & 4: Mr.T.DASARADHA

RAMAIAH

Counsel for the Respondent No.1 : Mr. S.V.Bhatt

Counsel for the Respondent No.2 : Mr. E.Sambasiva Pratap

Counsel for the Respondent Nos.5 &6: None appeared.

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

This writ petition was filed as public interest litigation by Burra Babu Rao making grievance against the environmental pollution in and around Ward No.32, Gudivada Municipality, Guntur district, by respondents 3 to 6. This writ petition is as a result of earlier Writ Petition No.2179 of 2001 wherein certain directions were issued. In the said writ petition, WPMP No.2740 of 2001 was disposed of pursuant to which on 11-02-2003 the A.P. Pollution Control Board had carried out inspection of respondents 3 to 6 – units, which had not constructed the compound wall as per the conditions stipulated in the

'No Objection Certificate' issued by the second respondent. However, these service stations had constructed oil and grease traps, but have not obtained consent from the respondent Board. As per the directions issued on 06-09-2000, though these service stations do not fall under the purview of the respondent Board for obtaining necessary consent, specific direction was issued directing the respondent units to obtain consent from

respondent No.1.

Learned counsel appearing for some of the respondents states that conditions have since been complied with.

We dispose of this writ petition with direction to respondents 1 and 2 to ensure compliance of the conditions by respondents 3 to 6, if not already complied with, within a period of three months from the date of receipt of writ order from the Court.

Failure to comply with such conditions, it will be open to the respondent Board to take appropriate action as may be deemed fit in the circumstances of the case for ensuring compliance of the conditions.

The writ petition accordingly stands disposed of.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

19-08-2004

bsc

To

1. The Senior Environmental Engineer,

A.P.Pollution Board,

Task Force, Flat No.41, Opp. SBH,

Gurunanak Road, Vijayawada.

2. The Municipal Commissioner,

Gudivada Municipality

Gudivada.

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